



APPROVED MINUTES

SUNNYVALE PLANNING COMMISSION

The Planning Commission met in regular session in the Council Chambers, City of Sunnyvale, 456 W. Olive Avenue, Sunnyvale, CA on **March 13, 2006** at 8:00 p.m. with Chair Hungerford presiding over the meeting.

ROLL CALL

Members Present: Chair Charles Hungerford; Vice Chair James Fussell; Commissioner Laura Babcock; Commissioner Larry Klein; Commissioner David Simons; and Commissioner Brandon Sulser

Members Absent: None

Staff Present: Trudi Ryan, Planning Officer; Rebecca Moon, Assistant City Attorney; Andy Miner, Principal Planner; Steve Lynch, Associate Planner and Debbie Gorman, Recording Secretary

SCHEDULED PRESENTATION

None

PUBLIC ANNOUNCEMENTS

None

CITIZENS TO BE HEARD

Arthur Schwartz, a Sunnyvale resident, said he strongly supports the idea that the City of Sunnyvale establish an Architectural Review Board, as he feels there have been architecturally controversial buildings constructed in the past few years. He also requested that when an appeal of a Planning Commission decision is heard by City Council that a Planning Commissioner attend the Council meeting to represent the Commission's decision in case there are questions that need to be addressed.

CONSENT CALENDAR

APPROVAL OF MINUTES of the Regular Meeting of February 27, 2006 and the Special Meeting (Summary Minutes) of March 6, 2006.

Comm. Simons discussed with staff the summary minutes of February 27, 2006, page 4, Project 2006-0043 for the Cingular Wireless tree pole at 450 North Sunnyvale Avenue. He wanted to make sure that the motion included the discouragement of any addition of external wires on the tree pole. He felt that the motion implied that the hardware would be internal and not external. Ms. Ryan said the detailed minutes include reference to a Condition of Approval (COA) regarding the aesthetics of the tree pole and that any future additions to the pole would have to be heard by the Planning Commission. Comm. Simons confirmed that he had no changes to the minutes.

ACTION: Comm. Sulser made a motion to approve the minutes of February 27, 2006. Comm. Klein seconded the motion. Motion carried unanimously, 5-0-1, Vice Chair Fussell abstaining.

ACTION: Comm. Sulser made a motion to approve the summary minutes of the Special Meeting of March 6, 2006. Comm. Klein seconded the motion. Motion carried unanimously, 6-0.

PUBLIC HEARINGS/GENERAL BUSINESS

- 1. 2005-1097 – Cingular Wireless [Applicant] City of Sunnyvale [Owner]:** Application for a Use Permit on a 9.6-acre site to allow a telecommunication antenna on a playfield pole and to replace the snack shack that contains ancillary ground equipment. The property is located at **834 Lakechime Drive** (near Silverlake Dr) in a P-F (Public Facility) Zoning District. (Negative Declaration) (APN: 110-24-038) TF
(Staff requests indefinite continuance.)

ACTION: Vice Chair Fussell made a motion on 2005-1097 to continue the item indefinitely. Comm. Sulser seconded. Motion carried unanimously, 6-0.

APPEAL OPTIONS: None, item to be continued indefinitely.

2. **2004-0167 - City of Sunnyvale Study Issue – Zoning Tools to Encourage the Development of Ownership Housing** - This study examines modifications to the Zoning Code that would facilitate the conversion to, and development of, ownership housing while still maintaining protection to tenants that could potentially be displaced. JM **(Staff requests continuance to March 27, 2006.)**

ACTION: Vice Chair Fussell made a motion on 2004-0167 to continue the item to the March 27, 2006. Comm. Klein seconded. Motion carried unanimously, 6-0.

APPEAL OPTIONS: None, item to be continued to March 27, 2006.

3. **2006-0017:** Application for a Design Review on a 9,920 square-foot site to allow demolition of an existing home and construction of a new two-story house totaling 4,461 square feet where 4,050 square feet may be allowed without Planning Commission review. The property is located at **1391 Ramon Drive** (near Elizabeth Way) in an R-1 (Low-Density Residential) Zoning District. (APN: 313-01-041) JM

ACTION: Comm. Babcock made a motion on 2006-0017 to approve the Special Development Permit with modified conditions; to modify Condition of Approval 5.B to allow the tree in the front yard to be removed and that the replacement tree be a large species, native tree as appropriate for the site and replaced according to the City's tree replacement guidelines. Comm. Simons seconded. Motion carried unanimously, 6-0.

APPEAL OPTIONS: This item is appealable to City Council no later than March 28, 2006.

4. **2005-1048 – Jeffery Morris [Applicant] Morris Associates IX [Owner]:** Application on a 2.1-acre site for related proposals located at **595 Lawrence Expressway** (at Duane Ave) in an M-S (Industrial & Service) Zoning District. (Negative Declaration) (APN: 205-23-017) JM;

- **Special Development Permit** to construct a new 22,590 square-foot shopping center,
- **Rezone** from M-S (Industrial & Service) to M-S/PD (Industrial & Service/Planned Development) Zoning District

ACTION: Comm. Klein made a motion on 2005-1048 to continue the item to the March 27, 2006. Comm. Babcock seconded. Motion carried unanimously, 6-0.

APPEAL OPTIONS: None, item to be continued to the March 27, 2006.

- 5. 2005-0028 - City of Sunnyvale Study Issue – Tree Preservation Ordinance Update Study Issue:** This study explores opportunities for change to the current ordinance and make recommendations on whether or not the ordinance should be modified in order to meet the needs of the City's residents and other city goals. SL

ACTION: Comm. Simons made a motion on 2005-0028 to adopt the Tree Preservation Ordinance and for staff to return to the Planning Commission for consideration a potential Tree Species List including potential protected trees and undesirable trees. Comm. Klein seconded. Motion carried unanimously, 6-0.

APPEAL OPTIONS: This item is scheduled to be heard by the City Council on April 4, 2006.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan encouraged the Planning Commission to take a site visit to see the first completed monopine tree pole installed in Sunnyvale located on Carlisle Way.

Ms. Ryan said at the Council meeting of March 7, 2006 Council considered an appeal of a seminary use that the Planning Commission had denied. The Planning Commission had expressed concerns about the use and the compatibility with the neighborhood. Ms. Ryan said that generally on appeals, staff supports the action that the Planning Commission has taken. In this case, staff felt there was additional information in the Places of Assembly Study Issue that was completed after the Planning Commission had denied the use that allowed staff to recommend approval. Staff found that the seminary use met the definition of a higher education use and could be approved based on the policy staff was recommending. Ms. Ryan said that at the Council meeting Council asked her that if the Planning Commission had reviewed the Study Issue information, would they possibly have voted to approve the use. Ms. Ryan said it is possible that the discussion and outcome could have been different. Ms. Ryan said it was not her intent to speak for the Planning Commission. She said that Council did overturn the decision of the Planning Commission, 5-1. The dissenting vote felt that the item should be referred back to the Planning Commission. Ms. Ryan said that the Council does not take lightly the overturning of a Planning Commission decision. Chair Hungerford asked for clarification about why the decision was overturned. Ms. Ryan said that staff's original recommendation to the

Planning Commission was approval and that this use is a higher education type use that was consistent with other recommendations being given to Council from the Planning division.

Ms. Ryan also reported on the following upcoming Planning related items scheduled for the following City Council meetings:

March 21, 2006 - Places of Assembly Study Issue, a General Plan Amendment Initiation for Central Avenue, a four-unit development on Alberta, and an appeal of a Planning Commission decision denying a variance for a shed on Lakechime;

March 28, 2006 - Zoning for Service Uses Study Issue;

April 4, 2006 – Tree Preservation Ordinance Study Issue;

April 11, 2006 – Zoning Tools for Home Ownership Study Issue, and a Special Development Permit and Rezone for 595 Lawrence Expressway.

Other Staff Oral Report

INFORMATION ONLY ITEMS

Chair Hungerford addressed the issue Mr. Schwartz mentioned during the Citizen to be Heard portion of this meeting regarding Planning Commission representation at the Council meetings when appeal items are on the agenda. Chair Hungerford said that the minutes and the vote are probably the best reflection of the Commission's views on an issue, but acknowledged that it might be helpful for a Commissioner to attend when appeal items are on an agenda. He said that often Commissioner's schedules do not permit them to attend. Rebecca Moon, Assistant City Attorney, commented that this issue can be discussed at this time, but that no action can be taken since the issue is not listed on a noticed agenda. Chair Hungerford and staff discussed the issue and said they could further explore Commissioner attendance to Council meetings.

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer